

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Stu Ferguson with Councilors Miller, Harriman, and Houck present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Parks & Recreation Director Ampietro, Finance Director Hanson, several interested citizens and the press. Councilor Nesbitt and WSC Liaison Cruz were not in attendance. A Council quorum was present.

Consideration of Minutes:**Regular Session Meeting Minutes of April 12, 2011.**

Councilor Harriman moved and Councilor Miller seconded the motion to approve the Regular Session Meeting minutes of April 12, 2011, as submitted.

Roll call vote, yes: Miller, Harriman, Ferguson, Houck. Motion carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

Farmer's Market Multi-Day Special Events Permit – Market Directors. Farmers' Market Director Beth Coop and Farmers' Market President Karen Immerso came forward and addressed Council. Ms. Coop informed Council the Market receives no City funding, is self-sustaining, had over 40 vendors last year, and they were able to extend the season to 20 weeks by holding several fall markets at the Fred Field Center. Ms. Immerso stated the Market has become an institution in the community in the summer. Ms. Coop informed Council they have paid the water, electric and rental fees in full to the City for 2011, and will start on Saturday, June 25th. Ms. Coop thanked the City Public Works, Parks, Police and NSO personnel for all of their assistance with their event. The Farmers' Market organizers held a successful Gardening Festival this past Saturday. Mayor Ferguson reviewed the Staff comments. The Farmers' Market organizers are responsible for putting up and taking down the required street barricades, the barricades are required to be stored when not in use on the north side of the IOOF Park restrooms, the north-side alley must remain open and accessible to emergency vehicles, and all Market vendors are required to have a City sales tax license.

Councilor Houck moved and Councilor Harriman seconded the motion to approve the Farmers' Market Multi-Day Special Events Permit, to be held on Saturdays, from June 25th through October 8, 2011, and to authorize the Mayor's signature on said permit.

Roll call vote, yes: Harriman, Ferguson, Houck, Miller. Motion carried.

Roll call vote, no: None.

Daniel Gray – City Noise Ordinance Enforcement. Mr. Gray came forward and identified himself to Council. Mr. Gray stated he lives in Gunnison and one of his main peeves is loud noise from altered vehicles. State Statute 42-225 makes it illegal to modify a vehicle's exhaust system to make it louder. We also have laws against excessive noise in Gunnison but the Police Department doesn't enforce the law. He doesn't want to endure loud noise from trucks and Harleys. He has a petition with the signatures of 66 citizens who also don't like loud trucks or Harleys. Cutting out catalytic converters to increase the vehicle's noise also creates more pollution in the air. The cops and political actors choose not to enforce against vehicle noise. They need to develop political will to get the Police to enforce the law. It escapes common sense that people make loud noise. Harley drivers wear ear plugs to protect themselves from the loud noise. They remove the baffles from the motorcycles to create more noise. The health component is that the loud noise is harmful to your ears. The psychological component is that we celebrate making noise. He wants Council to enforce the law. Mayor Ferguson asked the petitions with the signatures be entered into the minutes.

Councilor Houck stated he has struggled with this as well. He has heard from some people about loud trucks, not so much about motorcycles. He asked City Attorney Landwehr if the statute is enforceable. Attorney Landwehr stated there is also a State noise statute that contains a decibel limit level. It applies to more than just vehicles. Councilor Houck stated that a loud truck is transient, and unlike a loud party next door. It may be more difficult to monitor.

Councilor Harriman stated that currently the City mainly enforces noise issues based on specific complaints. City Manager Coleman stated yes, noise enforcement is typically complaint driven by citizens. By being specific, it tends to get immediate action. Councilor Harriman stated we also need equipment for monitoring decibel standards. Mayor Ferguson responded it is very difficult to determine decibel levels on moving vehicles. Councilor Harriman suggested starting enforcement with specific complaints about specific vehicles. Citizens can contact the Police Department, Dispatch or the City Manager with specific complaints.

Officer Rob Whiting was present in the audience. He informed Council that several problematic vehicles have been dealt with in the past. However, a noisy muffler will take a back seat to safety issues. Safety of the citizens is the priority.

Council consensus was that official enforcement action can be taken, there are mechanisms to deal with specific occurrences and vehicles by contacting the Police Department or City Manager, and the City Manager will speak with the Police Chief about this issue. Mr. Gray thanked Council.

Unfinished Business: None.

New Business:

Excuse Councilor Nesbitt from April 26, 2011, Regular Session Meeting.

Councilor Houck moved and Councilor Harriman seconded the motion to excuse Councilor Nesbitt from tonight's April 26, 2011, Regular Session Meeting.

Roll call vote, yes: Ferguson, Houck, Miller, Harriman. Motion carried.

Roll call vote, no: None.

Action on Gunnison Glory Climbing Event Challenge Grant Application. This item was discussed at last week's Council Work Session meeting.

Councilor Harriman moved and Councilor Miller seconded the motion to approve the Gunnison Glory Climbing Event Challenge Grant Application in the amount of \$1,000.00 and to authorize the Mayor's signature on the Agreement.

Roll call vote, yes: Houck, Miller, Harriman, Ferguson. Motion carried.

Roll call vote, no: None.

Action on Additional Contract for Service for Whitewater Park Webcam. Mayor Ferguson, recused himself as he is involved with selling and installing the webcams at the site. Mayor Pro Tem Houck took over running the meeting. This item was discussed at last week's Council Work Session meeting. Festival Director Frank Kugel, informed Council that the Upper Gunnison River Water Conservancy District (UGRWCD) is doing most of the funding, \$8,000 of the needed \$10,000. Anthony Poponi informed Council that other funding may become available from the Met Rec Board. Mr. Kugel stated that the Districts monetary share could be reduced if further funds are donated. The Gunnison-Crested Butte Tourism Association and the Gunnison Chamber have both agreed to host links to the festival on their websites. City Manager Coleman stated that he, Mr. Kugel, Councilor Nesbitt and Electric Supervisor Tom Pollard went out to the Park and looked at placing the electric needed for the cameras and future electric needs expansion. The most readily available site is located upstream by the County Buildings. There is no readily accessed power downstream by the two main water features. Discussion ensued about the proposed \$5,500 in-kind service from the City Electric Department and the need to extend electric service to the "lower" water features at the park. Mayor Ferguson, speaking as a citizen, stated that the new electric line is not needed for the cameras at this time. Councilor Miller stated Council should just address the request before them, in the amount of \$1,500.00 and deal with the other in-kind services at a later date. Mr. Kugel stated they would like to get the webcams in-place hopefully by Memorial Day. This would generate interest in the facility prior to the Gunnison River Fest later in June. Finance Director Hanson informed Council the funds would come from the Additional Contracts for Service line item.

Councilor Miller moved and Councilor Harriman seconded the motion to approve the Additional Contract for Service in the Amount of \$1,500 and to authorize the Mayor Pro Tem to sign the Contracts.

Roll call vote, yes: Miller, Harriman, Houck. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Ferguson. He had recused himself from the discussion.

Action on Wilson Easement. This item was discussed at last week's Council Work Session meeting. No changes were made to the Easement Agreement since last week's discussion.

Councilor Miller moved and Councilor Harriman seconded the motion to approve the Wilson Sewer, Utilities and Trails Easement Agreement and to authorize the Mayor to sign said Agreement.

Roll call vote, yes: Harriman, Ferguson, Houck, Miller. Motion carried.

Roll call vote, no: None.

Ordinances and Resolutions:

Ordinance No. 3, Series 2011; Re: Additional Appropriations to 2011 Budget; 2nd Reading. Councilor Miller introduced Ordinance No. 3, Series 2011, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Harriman seconded the motion that Ordinance No. 3, Series 2011, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011**, be introduced, read, passed and adopted on second and final reading this 26th day of April, 2011, and that a copy be made available to the public.

Roll call vote, yes: Ferguson, Houck, Miller, Harriman. Motion carried.

Roll call vote, no: None.

Ordinance No. 4, Series 2011; Re: Youth Tobacco Ordinance, 1st Reading. Mayor Ferguson suggested that action on the Ordinance be deferred to the Council seated after the May Election. That way it would not be acted upon by two different Councils. Council concurred with the suggestion. Discussion ensued. Councilor Miller stated that if the City wants to send a strong anti-smoking message about health, welfare and safety, why stop with just youth under 18. Why not everyone? Mayor Pro Tem Houck stated he thinks it is an important message to youth. Councilor Harriman asked that another work session meeting be held on the Ordinance after the election.

Ordinance No. 5, Series 2011; Re: Lease/Purchase of Used 2009 Sterling Tandem Dump Truck from MacDonald Equipment; 1st Reading. Councilor Harriman introduced Ordinance No. 5, Series 2011, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Miller seconded the motion that Ordinance No. 5, Series 2011, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING THE TERMS AND CONDITIONS OF AN EQUIPMENT LEASE AGREEMENT DATED APRIL 22, 2011, BETWEEN THE CITY OF GUNNISON, LESSEE, AND BANK OF THE WEST, LESSOR, IN THE AMOUNT OF \$82,377.54 FOR THE PURCHASE OF A 2009 STERLING LT8500 TRUCK**, be introduced, read, passed and ordered published on first reading this 26th day of April, 2011.

Roll call vote, yes: Houck, Miller, Harriman, Ferguson. Motion carried.

Roll call vote, no: None.

City Attorney: Rod Landwehr. Nothing to report.

City Manager: Ken Coleman. City Manager Coleman reported the following: the City had a rash of criminal mischief graffiti and the taggers have been contacted and identified; the new HR Tech, Tammy Shelafo, will be starting next Monday; the City Auditors will be on site on May 16th; the Conditional Use for the County Concrete Batch Plant at the airport has been approved; the annual Community Clean Up is this Saturday starting at 9am at the IOOF Park; he will be attending the USA Pro Cycling Challenge meeting tomorrow at 3pm at the Community Center and the planning group is mapping out the event in Gunnison; crack sealing of the streets will start as soon as it is dry; water in the ditches will be turned on May 2nd and will take about a week to be flowing smoothly in town; the Street Improvements bid has been advertised; and the Slurry Seal bids have been opened and the company out of Utah, that gave us a good bid last year, was selected.

Acting City Manager: Parks & Recreation Director Ampietro informed Council his semi-annual report is in their packets and there is additional information at their place settings. Director Ampietro recapped the ice rink season. Using the multiplier factor, the ice rink had a \$3.5 million dollar impact on the community. Unfortunately, this good news was overshadowed

by the carbon monoxide incident. The pool staff is operational and he encouraged Council to stop by and say hello to the new staff members. The Underwater Easter Egg Hunt was held on Saturday and saw 270 kids participating. There was a bounce house and games in the gym. The Staff will hold a debriefing on the event and strive to modify and improve it next year. It was a lot of fun and Ginny Seckman and Cory Vanderveen did a great job on the event. Councilor Harriman stated that the public skate times need to be maintained. When they are not, she gets complaints.

City Clerk: Gail Davidson informed Council she is advertising for the upcoming City Boards and Commission vacancies. There is a term up on the Planning Commission, three on the Board of Adjustments and Appeals, and all of the terms on the Building Board are up. In an election update, there are approximately 330 ballots returned to date. Lastly, there is nothing on the agenda for next week's Work Session, so there will be no meeting next week, making this the last time this Council will meet together. City Clerk Davidson thanked the entire Council for all of their hard work these past few years and told them it has been a pleasure working with them as a Council.

WSC Liaison: Jesse Cruz was absent.

Non-Scheduled Citizens: None.

City Council Discussion, Meeting Reports, Items for Work Session:

Councilor Miller: stated it has been a hoot, the last 6 years. He thanked Council and stated a lot has been done by this Council.

Councilor Harriman: also stated she enjoyed working with this Council for the past 6 years. She then reported she attended the Chamber Board meeting this morning and they passed out a calendar of the upcoming WSC Conferences and the Chamber events calendar. She also attended the Gardening Show this weekend and there was a lot available with many vendors and businesses participating.

Mayor Pro Tem Houck: reported he also attended the Gardening Show. He concurred there was a lot of great information available and hopes the next Council looks more into local food production, especially in light of the VanTuyt Ranch. He thanked all of Council, especially Stu and Rick, for the action-packed last few years.

Mayor Ferguson: thanked everyone for the 8 year run. It has been extremely rewarding to work with the Council and Staff and we have accomplished a lot.

Adjournment: Mayor Ferguson called for any further discussion, and hearing none, adjourned the meeting at 8:02 P.M.

Mayor

City Clerk